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ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

Note by the Secretary-General

1. The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947 for the promotion of the progressive development of international law and its codification. The Commission is composed of 34 members whose term of office will expire at the end of 1991. The election of the members of the Commission for the next five-year term, beginning on 1 January 1992, will be held at the forty-sixth session of the General Assembly.

2. Article 3 of the statute of the Commission requires that the members of the Commission be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. In accordance with this article and other relevant provisions of the statute of the Commission, the Secretary-General, in a note verbale dated 18 January 1991, requested the Permanent Representatives of States Members of the United Nations to submit to him by 1 June 1991 the names of the candidates whom the Governments of Member States might wish to nominate for election to the Commission, together with statements of qualifications of such candidates.

3. Article 6 of the statute of the Commission provides that the Secretary-General shall, as soon as possible, communicate to the Governments of States Members of the United Nations the names of the candidates nominated, and any statements of qualifications of candidates that may have been submitted by the nominating Governments. The nominations submitted by Governments to the Secretary-General, in reply to his request, are, pursuant to article 6 of the statute, set out below:

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* A/46/50.

Name and nationality	Nominated by
Ajibola, Bola Adesumbo (Nigeria)	Nigeria
Al-Baharna, Husain M. (Bahrain)	Bahrain
Al-Khasawney, Awn S. (Jordan)	Jordan
Al-Qaysi, Riyadh Mahmoud Sami (Iraq)	Iraq
Arangio-Ruiz, Gaetano (Italy)	Italy
Barboza, Julio (Argentina)	Argentina
Bennouna, Mohamed (Morocco)	Morocco
Boutros Ghali, Boutros (Egypt)	Egypt France Japan
Bowett, Derek William (United Kingdom of Great Britain and Northern Ireland)	United Kingdom of Great Britain and Northern Ireland Canada India New Zealand
Calero Rodrigues, Carlos (Brazil)	Brazil
Crawford, James R. (Australia)	Australia Belgium Canada Greece New Zealand Papua New Guinea United Kingdom of Great Britain and Northern Ireland
De Saram, John (Sri Lanka)	Sri Lanka
Eiriksson, Gudmundur (Iceland)	Iceland Denmark Finland Norway Sweden
Fomba, Salifou (Mali)	Mali
Güney, Mehmet (Turkey)	Turkey

Name and nationality	Nominated by
Hayes, Francis Mahon (Ireland)	Ireland
Idris, Kamil E. (Sudan)	Sudan
Jacovides, Andreas J. (Cyprus)	Cyprus
Koroma, Abdul G. (Sierra Leone)	Sierra Leone
Kusuma-atmadja, Mochtar (Indonesia)	Indonesia
Lacleta Muñoz, José Manuel (Spain)	Spain
Mahiou, Ahmed (Algeria)	Algeria
Mikulka, Václav (Czechoslovakia)	Czechoslovakia
Momtaz, Djamchid (Iran, Islamic Republic of)	Iran (Islamic Republic of) France
Njenga, Frank X. (Kenya)	Kenya
Pambou-Tchivounda, Guillaume (Gabon)	Gabon
Pellet, Alain (France)	France Egypt India (Iran, Islamic Republic of)
Piza Rocafort, Rodolfo E. (Costa Rica)	Costa Rica
Rao, Pemmaraju Sreenivasa (India)	India Bhutan France Japan United Kingdom of Great Britain and Northern Ireland
Razafindralambo, Edilbert (Madagascar)	Madagascar
Rivas Posada, Rafael (Colombia)	Colombia
Robinson, Patrick Lipton (Jamaica)	Jamaica
Rosenstock, Robert B. (United States of America)	United States of America
Roukounas, Emmanuel J. (Greece)	Greece Australia

Name and nationality	Nominated by
Shi, Jiuyong (China)	China
Siage, Riad (Syrian Arab Republic)	Syrian Arab Republic
Solari Tudela, Luis (Peru)	Peru
Suy, Erik (Belgium)	Belgium Australia
Szafarz, Renata (Poland)	Poland
Székely, Alberto (Mexico)	Mexico
Thiam, Doudou (Senegal)	Senegal
Tomuschat, Christian (Germany)	Germany
Vargas Carreño, Edmundo (Chile)	Chile
Vereshetin, Vladlen (Union of Soviet Socialist Republics	Union of Soviet Socialist Republics
Villagrán Kramer, Francisco (Guatemala)	Guatemala
Vukas, Budislav (Yugoslavia)	Yugoslavia
Yamada, Chusei (Japan)	Japan Bhutan Dominican Republic Egypt Ghana Honduras Iceland India Nepal Singapore Thailand Tunisia Uruguay
Yankov, Alexander (Bulgaria)	Bulgaria

Although, according to article 4 of the statute of the Commission, Member States may nominate not more than two nationals of other States, not all the nominating States have observed this provision, as the above list shows.

4. The statements of qualifications of candidates received from the nominating Governments are to be found in document A/46/253.

5. The General Assembly, by resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission should be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the resolution.

6. The rotational seat referred to in subparagraph (f) above was allocated to a national of an African State at the election held in 1981, and to a national of an Eastern European State at the election held in 1986. Accordingly, the seat shall be allocated to a national of an African State at the forthcoming election.

7. The rotational seat referred to in subparagraph (g) above was allocated to a national of an Asian State at the election held in 1981 and to a national of a Latin American State at the election held in 1986. Accordingly, the seat shall be allocated to a national of an Asian State at the forthcoming election.

8. Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 1992 will be as follows:

Nine nationals from African States;

Eight nationals from Asian States;

Three nationals from Eastern European States;

Six nationals from Latin American and Caribbean States;

Eight nationals from Western European and other States.

9. The election will be held under the appropriate provisions of the statute of the Commission and of the rules of procedure of the General Assembly.

10. Article 2, paragraph 1, of the statute of the Commission provides that the Commission shall consist of persons of recognized competence in international law. Article 8 states that at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. Article 7 of the statute provides that the Secretary-General shall prepare the list provided for in article 3, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit this list to the Assembly for the purposes of the election. The Secretary-General will at a later date, pursuant to article 7 of the statute, prepare and submit to the Assembly such a list of all the candidates nominated.

12. By rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot and, accordingly, under the terms of rule 88, there shall be no explanation of vote, either before or after the voting.

13. According to article 9 of the statute of the Commission those candidates, up to the maximum number prescribed for each regional group, who obtain the greatest number of votes and at least a majority of the votes of the States Members present and voting shall be elected. If the maximum number of persons prescribed for each regional group is not elected in the first ballot, there shall be additional ballots to fill the remaining places, in accordance with the appropriate provisions of rule 94 of the rules of procedure of the General Assembly.

14. Article 10 of the statute of the Commission states that the members of the Commission shall be eligible for re-election. The present membership of the Commission, whose term expires at the end of 1991, is set out in the annex below.

ANNEX

Present membership of the International Law Commission whose term expires at the end of 1991

Prince Bola Adesumbo AJIBOLA (Nigeria)

Mr. Husain AL-BAHARNA (Bahrain)

Mr. Awn AL-KHASAWNEH (Jordan)

Mr. Riyadh AL-QAYSI (Iraq)

Mr. Gaetano ARANGIO-RUIZ (Italy)

Mr. Julio BARBOZA (Argentina)

Mr. Juri G. BARSEGOV (Union of Soviet Socialist Republics)

Mr. John Alan BEESLEY (Canada)

Mr. Mohamed BENNOUNA (Morocco)

Mr. Boutros BOUTROS-GHALI (Egypt)

Mr. Carlos CALERO-RODRIGUES (Brazil)

Mr. Leonardo DIAZ-GONZALEZ (Venezuela)

Mr. Gudmundur EIRIKSSON (Iceland)

Mr. Laurel B. FRANCIS (Jamaica)

Mr. Bernhard GRAEFRATH (Germany)

Mr. Francis Mahon HAYES (Ireland)

Mr. Jorge E. ILLUECA (Panama)

Mr. Andreas J. JACOVIDES (Cyprus)

Mr. Abdul G. KOROMA (Sierra Leone)

Mr. Ahmed MAHIOU (Algeria)

Mr. Stephen C. McCAFFREY (United States of America)

Mr. Frank X. NJENGA (Kenya)

Mr. Motoo OGISO (Japan)

Mr. Stanislaw FAWLAK (Poland)

Mr. Alain PELLET (France)

Mr. Pemmaraju SREENIVASA RAO (India)

Mr. Edilbert RAZAFINDRALAMBO (Madagascar)

Mr. Emmanuel J. ROUCOUNAS (Greece)

Mr. César SEPULVEDA-GUTIERREZ (Mexico)

Mr. Jiuyong SHI (China)

Mr. Luis SOLARI TUDELA (Peru)

Mr. Doudou THIAM (Senegal)

Mr. Christian TOMUSCHAT (Germany)

Mr. Alexander YANKOV (Bulgaria)